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EXAMINER

KARMELEK, ALISON L

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/064,959	Applicant(s) SELF ET AL.	
	Examiner Alison Karmelek	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final office action in response to communications received 08/30/2007. Claims 1-20 are pending.

#### ***Response to Amendment***

2. Amendments to claims 1-7, 11 and 15 and the addition of claims 19-20 have been noted.

#### ***Response to Arguments***

3. Applicant's arguments, see page 7, filed 08/31/2007, with respect to the 35 USC 112, second paragraph rejection of claims 4-5 and 7 have been fully considered and are persuasive. The 35 USC 112, second paragraph rejection of claims 4-5 and 7 has been withdrawn.

4. Applicant's arguments filed 08/31/2007 with regards to previously claimed matter have been fully considered but they are not persuasive. In particular, Applicant argues that (1) Linde does not teach, disclose or suggest the use of launch practice items to improve product development launch practices; (2) Linde does not address launch practices utilized by a number of launch programs in a product development launch environment; (3) Linde fails to anticipate the launch practice item is selected from the group consisting of launch elements, procedures, guidelines, standards, policies and work instructions are not launch practice items, but instead they presuppose a product already on the market, this the launch phase has been long completed; (4) Linde fails to

anticipate the launch practice item is a procedure and a document supporting the procedure includes measurables and deliverables; (5) Linde fails to anticipate the launch practice item is a standard and a document supporting the standard includes information regarding how the launch practice should be performed, specifically that the rationale behind a physician's drug prescription habits is wholly unrelated to launch practice standards that include information how to perform a launch practice; (6) Kogler is a non-analogous reference and related to the field of product marketing and there are not aspects of the Kogler strategic marketing system and method that is of any relevance to Applicants' concern for facilitating improved product development launch practices; and (7) all of the post-launch market performance analysis activities disclose by Linde have nothing in common with the product launch development process and thus fail to render claim 7 obvious in view of Linde.

5. In response to argument (1), Examiner respectfully disagrees. Linde, in paragraph 10 teaches the background of the invention and notes that there is a desire for obtaining information related to a pre-launch strategy of a product, in terms of complete and correct pre-launch decisions, in order to determine the post-launch performance of the product on its relevant markets. In this manner, the post-launch performance and consequently the success of a product can be expected to be optimized. Further in paragraph 11, Linde teaches that pre-launch, it should be determine which so-called "unique selling point" is the most relevant for a product and in summary, the total number of possible decision combinations which influence the post-

launch success of the product can be substantial. Thus, Linde teaches the use of launch proactive items to improve product development launch practices.

6. In response to argument (2), Examiner respectfully disagrees. In the summary of the invention, paragraph 12 teaches that a primary object of the invention is to provide a method for determining post-launch performance of a product on a market, i.e. to *estimate* the *future* market performance related to said product. Further paragraph 13 teaches the object is accomplished by the invention through collecting data related to at least one key success factor associated with at least the market performance which is related to said product and calculated the future market share of said product based on said collected data, thereby determining said post-launch performance on said market. In other words, Linde does not teach, as the Applicant has interpreted, the post-launch performance of a product *after* launch, but rather, the *estimated* behavior of a product after launch in order to obtain information related to a pre-launch strategy of a product (see also paragraphs 10-11).

7. In response to argument (3), Examiner respectfully disagrees. The launch practice items selected from the group consisting of launch elements, procedure, guidelines, standards policies and work instructions recited in the rejection do not presuppose a drug already on the market, thus rendering the launch phase completed, but rather, the "post-launch" information is a quantification of the future, as recited in paragraph 76. Meaning the "post-launch" information is an estimation of the future, and that the launch has not already occurred but rather, this type of simulated market

studies are made possible by the means of the invention, in particular for presenting results of strategic, pre-launch choices as recited in paragraph 86.

8. In response to argument (4), Examiner respectfully disagrees. The procedure, as recited in paragraph 86, is the combination of decisions that will render the highest number of consumers for the product, and would in fact, details information regarding marketing parameters described above in paragraphs 76-81, and would detail what market to enter, what unmet need to focus on, etc. described throughout the entire disclosure of Linde. Further, the measurables and deliverables are, in fact, anticipated by Linde, where was stated in the previous office action that the market shares are obtained, or measured, and can effect the deliverables, or the decisions of latent need, target groups and market segments, or rather, the outcome of the selection of latent need, target group and market segments, which paragraph 87 further illustrates.

Paragraph 87 teaches that the information which can be provided by means of the invention can be used for benchmarking of various products for example, on different markets or during specific time periods. Meaning, the deliverables, or the outcomes of each step in the procedure (i.e., enter market A, focus on latent need B, target group C, enter market at time D, etc.), have measurables of the amount of consumers obtaining the product. Further, as mentioned in the previous office action, paragraph 85 teaches the information can be delivered on a disc in the form of tables, graphs, of a data file, etc. Thus, Linde teaches the limitations of claim 9.

9. In response to argument (5), Examiner respectfully disagrees. Launching a new drug, including a physician's drug prescription habits are related to launch practice

standards that include information on how to perform a launch practice and further, and as recited in paragraph 46, such habits are a key success factor. Paragraph 34 teaches that key success factors provide transparency of a market for fast understanding, benchmarking, forecasting, and strategic decision-making and by means of the key success factors, the structure, dynamics and trends on a particular market for a particular drug and/or disease can be studied and analyzed. Thus, the key success factors, including the habits of those who will be selling the new product, are related to launch standards including how to perform a launch practice.

10. In response to argument (6), Examiner respectfully disagrees. Kogler's invention is direct to the field of product marketing, more specifically to a pre-selected or targeted customer base (paragraph 2). Further, Linde teaches in paragraph 11 that when a company intends to launch a product, a number of decisions have to be taken. For example, it should be determined which so-called "unique selling point" is the most relevant for the product. Furthermore, it should be determined which are the most important unmet needs of the market. Also, relevant market target groups should be determined. Thus, in the launching of a product, or in the product development launching practices, marketing plays a key role in determining a strategy and the disclosures of Kogler and Linde would be analogous arts.

11. In response to argument (7), Examiner respectfully disagrees. Examiner directs Applicant's attention to the response to argument (1) where it was disclosed that Linde does in fact teach the product launch development process. Further, since there was no traversal of the Official Notices taken, the Official Notices taken are considered to be

prior art. Specifically, using factors such as, assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former production systems, or product development systems to provide information for the launch of a product in the automotive arts is taken to be prior art.

12. Applicant's arguments with respect to claims 2-6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2, 6, and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al. (US Pub. No. 2003/0105773) in view of Bieda et al. (US Pub. No. 2003/0171897 A1).

15. As per claim 1, Linde et al. teaches an online method for facilitating improved consistency, deliverability and/or measurability of a launch practice utilized in a product development launch cycle across a first launch program team during a first launch program, the online method comprising: determining a launch practice item based on a set of key sources wherein the launch practice item is determined by a committee



separate from the first launch program team (paragraph 29 teaches providing information so that the correct decisions, or launch practice items, are taken where a knowledge and an understanding of the relevant market is provided with reference to key success factors, or key sources, there is an understanding of information on the market's unmet needs, and the likelihood of satisfying the unmet needs can be determined, where paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, forecasting and strategic decision-making. Further, paragraph 49 teaches external computers corresponding to various clients or users which are cooperating with a service provider which is associated with an responsible for the central computer unit with its database, or a committee separate from a launch program, are used, as in paragraph 50, to obtain information related to market performance or the expected future sales of products. In other words, a separate group, or committee, provides, or determines, information pertaining to a new product launch, or launch practices);

Transmitting the launch practice item to an at least one member of the launch program teach wherein the at least one member uses the launch practice item to improve consistency, deliverability and/or measurability of the launch practice (paragraph 32 teaches the invention relying on key success factors for processing, presenting and transmitting relevant information regarding the market situation and for quantification of the post-launch performance, or launch practice item, where paragraph 33 teaches the information is provided by a marketing company and supplied to the manufacturer, and paragraph 34 teaches the key success factors provide transparency

of a market for fast understanding, benchmarking, or consistency, forecasting, or measurability, and strategic decision making, deliverability).

However, Linde et al. does not expressly teach the product development launch cycle across a first launch program team during a first launch program and *a second launch program team during a second launch program* where the launch practice items is transmitted to the *second launch program team* and a member of the *second launch program team* uses the launch practice item to improve consistency, deliverability and/or measurability of the launch practice *during the second launch program*.

Bieda et al. teaches the product development launch cycle across a first launch program team during a first launch program and *a second launch program team during a second launch program* where the launch practice items is transmitted to the *second launch program team* and a member of the *second launch program team* uses the launch practice item to improve the launch practice *during the second launch program* (paragraph 13 teaches the desire to provide a product performance integrated database apparatus and methodology which has the feature of providing The basis for new product/process risk analysis by accumulating updated design/process specific lesson learned, where paragraph 25 teaches that costs as well as the stored lessons learned from each complete product development are stored for future use. This simplifies future product development programs, or a second launch program with a second launch program team, by enabling quality issues to be shifted to the design and process development stage rather than later in the product prototype development or field use stages. Further, Table A teaches various performance and

engineering/manufacturing changes where lessons learned are a part of this table. Meaning, the launch practice items, including lessons learned, are stored for a future product development, or a second launch program with a second launch program team, and then these launch practice items are shifted, or transmitted, to the future product team and enable quality issues to be taken care of, or rather the future product team, or second launch program team, uses the launch practice item, or lessons learned, to improve the launch of the second launch program, or the development of a future product).

Both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25). Thus, it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

16. As per claim 2, Linde et al. teaches receiving an at least one member observation regarding the launch practice item from at least one member of the first launch program team (paragraph 50 teach data being gather through interviews and monitoring, or observing current purchase patterns. Meaning, the observation of the current purchase patterns and interviews is done by the launch program team.).

Further, although Linde et al. does teach this limitation as claimed. Examiner notes that in the remarks it seems as though Applicant is intending for the observation from the at least one member of the first launch program team is intended to be used by members of the second launch program team. If this is the direction the claim, as amended, was intending, Examiner would like to note that Bieda et al. also teaches this limitation. Paragraph 25 teaches storing lessons learned from each complete product development for future use which enables quality issues to be shift to the design and process development stage rather than later in the product prototype development or field use stages. Meaning, receiving an at least one member observation regarding the launch practice item from at least one member of the first launch practice team, a lesson learned, for use by at least one member of the second launch practice team, or future product development team. And, since both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25), it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

17. As per claim 6, Linde et al. teaches the set of key sources includes lessons learned (paragraph 37 teaches a key success factor, or key source, being the capture

rate which is a measure indicating and summarizing the market performance, where paragraph 40 teaches the market being static market reflecting (pr resulting from) previous changes on the dynamic submarkets, or lessons learned from the pervious dynamic markets).

However, Linde et al. does not expressly teach these lessons learned are from the at least one member of the first or second launch program team. Bieda et al. teaches lessons learned are from the at least one member of the first or second launch program team (paragraph 25 teaches storing lessons learned from each complete product development, or from the first launch program team, for future use).

Both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25). Thus, it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

18. As per claim 8, Linde et al. teaches the launch practice item is selected from the group consists of launch elements, procedures, guidelines, standards, policies, and work instruction (paragraphs 77-79 teach basing post-launch performance on market information, or launch elements, or information related to quantified unmet needs, standards associated with needs of the market, information related to the propensity of

a product, or guidelines associated with needs of the market. Further, paragraph s 80-81 teach calculations of post-launch performance estimations being based on different market types, or the different policies associated with different markets, paragraph 85 teaches the finished result also including information regarding the market parameters, such as market standards, market guidelines, policies for different markets, where paragraph 86 teaches these determining which combination of decisions, or procedures, will render the highest market share, or what the course of action should be, or work instructions, determined by the chosen procedure).

19. As per claim 9, Linde et al. teaches the launch practice item is a procedure and a document supporting the procedure including measurables and deliverables (paragraph 86 teaches different values of market share will be obtained, or measured, depending on which latent need is emphasized, where the combination of decisions, or procedure, is determined with the latent needs, target groups, and market segments, or deliverables. Further paragraph 85 teaches the information can be supplied via the Internet, a computer-readable data carrier, or a printed publication).

20. As per claim 10, Linde et al. teaches the launch practice item is a standard and document supporting the standard including information regarding how the launch practice should be performed (paragraph 46 teaches key success factors, which go into the final product, including the rational of why, when to whom and how the product will be prescribed, or launched, where paragraphs 85-86 teach the information can be supplied via the Internet, a computer-readable data carrier, or a printed publication and determines which combination of decisions will render the highest number of patients

for the product, or the market share and consequently, the highest impact on the relevant markets).

21. As per claim 11, Linde et al. teaches an online system for facilitating improved consistency, deliverability and/or measurability of a launch practice utilized in a product development launch cycle across a first launch program team during a first launch program, the system comprising at least one server operably serving at least one client computer (paragraph 48 teaches a central computer unit associated with a database adapted for storing data related to the various key success factors and also adapted for communicating with a plurality of external computers via a network, paragraph 29 teaches providing information so that the correct decisions, or launch practice items, are taken where a knowledge and an understanding of the relevant market is provided with reference to key success factors, or key sources, there is an understanding of information on the market's unmet needs, and the likelihood of satisfying the unmet needs can be determined, where paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, forecasting and strategic decision-making. Further, paragraph 49 teaches external computers corresponding to various clients or users which are cooperating with a service provider which is associated with an responsible for the central computer unit with its database, or a committee separate from a launch program, are used, as in paragraph 50, to obtain information related to market performance or the expected future sales of products. In other words, a separate group, or committee, provides, or determines, information

pertaining to a new product launch, or launch practice), the at least one server computer configured to:

(i) during the first launch program, transmit a launch practice item to an at least one member of the first launch program team wherein the at least one member uses the define launch practice item to improve consistency, deliverability and/or measurability of the launch practice (paragraph 32 teaches the invention relying on key success factors for processing, presenting and transmitting relevant information regarding the market situation and for quantification of the post-launch performance, or launch practice item, where paragraph 33 teaches the information is provided by a marketing company and supplied to the manufacturer, and paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, or consistency, forecasting, or measurability, and strategic decision making, deliverability);

(ii) receive an at least one member observation regarding the launch practice item from the at least one member of the first launch program team (paragraph 50 teach data being gather through interviews and monitoring, or observing current purchase patterns)

Linde et al. does not teach the product development launch cycle across a second launch program team during a second launch program or transmitting a revised launch practice item and/or a new launch practice item implementing the at least one member observation to an at least one member of the second launch program team before the end of the second launch program if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice.



Bieda et al. teaches the product development launch cycle across a first launch program team during a first launch program and *a second launch program team during a second launch program* (paragraph 13 teaches the desire to provide a product performance integrated database apparatus and methodology which has the feature of providing The basis for new product/process risk analysis by accumulating updated design/process specific lesson learned, where paragraph 25 teaches that costs as well as the stored lessons learned from each complete product development are stored for future use. This simplifies future product development programs, or a second launch program with a second launch program team, by enabling quality issues to be shifted to the design and process development stage rather than later in the product prototype development or field use stages.) and

the at least one member observation from the at least one member of the first launch program team and transmitting a revised launch practice item implementing the at least one member observation to an at least one member of the second launch program team before the end of the second launch program if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice (Paragraph 25 teaches storing lessons learned from each complete product development for future use which enables quality issues to be shift to the design and process development stage rather than later in the product prototype development or field use stages, or before the end of the second launch program. Meaning, receiving an at least one member observation regarding the launch practice item from at least one member of the first launch practice team, a lesson learned, for use by at least one

member of the second launch practice team, or future product development team.

Further, Table A teaches databases to receive various inputs on product performance and engineering/manufacturing changes, including field performance launch, product change requests, lessons learned, etc., or revised or new launch practice items.

Meaning the new or revised launch practice items are transmitted to the databases which are then used by a future, or second launch program team, resulting in a transmission of revised launch practice items or new launch practice items to at least one member of the second launch program team, the future launch program team).

Both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25). Thus, it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

22. As per claims 12-14, the recites a system with limitation substantially similar to claims 8-10. Since Linde et al. teaches a system, as taught above in claim 11, claims 12-14 are rejected for the same reasons cited above in claims 8-10, respectively.

23. As per claims 15-18, they recite limitations substantially similar to those of claims 11-14 and are rejected for the same reasons set forth in claims 11-14, respectively.

24. As per claim 19, Linde et al. teaches receiving key sources from at least one member of the first launch program team (paragraph 46 teaches the why, when, to whom and how of launching the product being from the vendors of the product collected for the launch, or collected by the launch team member, paragraph 53 teaches qualitative marketing efforts affecting the adoption, or launch process and paragraphs 66-67 teach the different stages in the adoption, or launch practice, or milestones associated with the marketing efforts).

Further, although Linde et al. does teach this limitation as claimed. Examiner notes that Bieda et al. also teaches receiving key sources from at least one member of the first launch program team (paragraph 25 teaches storing lessons learned from each complete product development, or from an at least one member of a product development team). And, since both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25), it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

25. As per claim 20, Linde et al. teaches transmitting the launch practice item to an at least one member of the first launch program team and the at least one member of

the first launch program team using the launch practice item to improve consistency, deliverability and/or measurability of the launch practice (paragraph 32 teaches the invention relying on key success factors for processing, presenting and transmitting relevant information regarding the market situation and for quantification of the post-launch performance, or launch practice item, where paragraph 33 teaches the information is provided by a marketing company and supplied to the manufacturer, and paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, or consistency, forecasting, or measurability, and strategic decision making, deliverability).

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al. and Bieda et al. in view of Jordan Kogler et al. (US Pub. No. 2003/0040998).

28. As per claim 3, Linde et al. teaches determining a launch practice item and receiving member observations as recited above in claim 1 and 2. However Linde et al. does not teach deciding to revise the launch practice item or to create a new launch practice item if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice.

Jordan Kogler et al. teaches deciding to revise the launch practice item or to create a new launch practice item if implementing the at least one member observation improves the consistency, deliverability and/or measurability of the launch practice (paragraph 69 teaches user customer information and customer lists of the customer data to generate, revise, evaluate or the like, the marketing strategy, market penetration, market demographics, and the like, or launch practice items).

Both Linde et al. and Jordan Kogler et al. teach launch practice items, or marketing items and facilitating market penetration. Therefore it would have been obvious to one of ordinary skill in the art to include revising and creating new launch practice items in the determination of a pre-launch strategy of Linde et al. in order to more accurately monitor and process information as regard the market situation for a particular product in a more effective manner. See Linde et al. paragraph 10.

29. As per claim 4, Linde et al. teaches transmitting the launch practice item to at least one member as recited in claim 1 above. However, Linde et al. does not expressly teach transmitting the revised launch practice item or the new launch practice item to the at least one member of the second launch program team.

Bieda et al. teaches transmitting a revised launch practice item or the new launch practice item to the at least one member of the second launch program team (paragraph 25 teaches storing lessons learned from each complete product development for future use which enables quality issues to be shift to the design and process development stage rather than later in the product prototype development or field use stages. Further, Table A teaches databases to receive various inputs on

product performance and engineering/manufacturing changes, including field performance launch, product change requests, lessons learned, etc., or revised or new launch practice items. Meaning the new or revised launch practice items are transmitted to the databases which are then used by a future, or second launch program team, resulting in a transmission of revised launch practice items or new launch practice items to at least one member of the second launch program team, the future launch program team.).

Both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25). Thus, it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

30. As per claim 5, neither Linde et al. does not expressly teach the transmitting step including updating at least one server computer and notifying the at least one member of the second launch program team.

Bieda et al. teaches the transmitting step including updating at least one server computer and notifying the at least one member of the second launch program team (paragraph 25 teaches storing costs as well as lessons learned from each complete product development for future use, or for a future product development program, or a

second launch program, further paragraph 36 teaches the present product performance integrated database apparatus and method can be implemented via a suitable computer based local or wide area network or combinations thereof where the plurality of computer based workstations or PC's can access the product performance databases in memory under program control review, input, calculate and/or provide notifications as necessary to a central server or workstation containing such databases, processing units, memory, etc. Further, paragraph 39 and Table A teach receiving various inputs on product performance and engineering/manufacturing changes, or updates concerning product performance and engineering/manufacturing changes, including field performance/launch and lessons learned. Meaning, the databases are updated and can be accessed for the future product development or second launch program teams, and can also include notifications).

Both Linde et al. and Bieda et al. teach preparing for new products to enter a market, where Linde et al. teaches determining a strategy for launching a product based on the estimated post-launch performance (Linde et al., paragraphs 10-12) and Bieda et al. teaches utilizing past product launch data in order to improve upon future product development programs (Bieda et al., paragraph 25). Thus, it would have been obvious to one of ordinary skill in the art to include the features of Bieda et al. in the teachings of Linde et al. in order to more accurately determine a pre-launch strategy based on a simulated or estimate post-launch performance. See Linde et al. paragraph 10.

31. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al.

32. As per claim 7, Linde et al. teaches the set of key sources including launch principles (paragraph 46 teaches the why, when, to whom and how of launching the product), product quality planning initiatives (paragraph 53 teaches qualitative marketing efforts affecting the adoption, or launch process), and milestone standards (paragraphs 66-67 teach the different stages in the adoption, or launch practice, or milestones associated with the marketing efforts). However, Linde et al. does not expressly teach the set of key source including assembly plan launch process models, former body and assembly quality systems, former production systems, or product development systems. Examiner takes official notice that using factors such as, assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former production systems, or product development systems are well known sources of information used to provide information for the launch of a product in the automotive arts. Therefore, it would have been obvious to one of ordinary skill in the art to include assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former production systems, or product development systems as key sources to base launch practice items on in order to provide more accurate and flexible launch practices.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Di Benedetto (Identifying the Key Success Factors in New Product Launch) teaches effective product launching through identifying key success factors.

Hultink et al. (In search of generic launch strategies for new products) teaches a research model that allows the investigation of the complexities of new product launch strategies.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison Karmelek whose telephone number is (571) 272-1808. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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11/08/07



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